



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 11/01/2006 (Per: MES)



Appendix A


 The 2005 drafting file for LRB 05-4405


has been copied and placed in the drafting file for

2007 LRB 07-0607

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2007 LRB 07-0627

 This cover sheet, the final request sheet, and the final version of the 2005 draft were copied on yellow paper, and returned to the original 2005 drafting file.

 The attached 2005 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2005 DRAFTING REQUEST

Bill

Received: **01/13/2006**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Rep. Albers**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters: **pkahler**

Subject: **Local Gov't - munis generally
Local Gov't - zoning
Real Estate - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Local governments' comprehensive plans must consider drainage district maps and plans.

Instructions:

See Attached. Based on -1304/4, but only applies to drainage districts

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	mshovers 02/13/2006 pkahler 02/13/2006	wjackson 03/27/2006	rschluet 03/27/2006	_____ _____ _____ _____	sbasford 03/27/2006		

FE Sent For:

2005 DRAFTING REQUEST

Bill

Received: 01/13/2006

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Rep. Albers

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters: PJK

Subject: Local Gov't - munis generally
Local Gov't - zoning

Extra Copies:

Submit via email: YES

Requester's email: Rep.Albers@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Local governments' comprehensive plans must consider drainage district maps and plans.

Instructions:

See Attached. Based on -1304/4, but only applies to drainage districts

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	mshovers	1 wj 327					
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3270

FE Sent For:

<END>

Shovers, Marc

From: Waldrop, Joyce
Sent: Friday, January 13, 2006 10:18 AM
To: Shovers, Marc
Subject: 1304

Marc,

Would you please split LRB 1304/4 into two bills: One bill specific to drainage districts; and the second bill specific to military bases.

As to the bill specific to drainage districts, the language noted below is fine. However, additional language is needed to require that a unit of government, likely the ZONING office as opposed to a clerk -- afford notice to any drain districts when Board of Adjustment/Planning Commission is going to take testimony/schedule hearing on a proposed plat/split/CSM [regardless of whether the conduct is one home, a subdivision, or some other type of development, or any building permit, if the building improvement would either a) come to be situated within a drainage district's boundaries, or b) the improvement, given its location and proximity to a drain district's boundaries, is likely to increase the amount of water that the main drain must accommodate. Also: I want language that would allow a drain board to request additional time to submit information upon showing a timely request for an engineering analysis as to benefits and burdens was ordered.

LRB 1304/4 Currently, the intergovernmental cooperation element must contain a compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, for siting and building public facilities and sharing public services. Under this bill, the intergovernmental cooperation element adds drainage districts as a jurisdiction with which a local governmental unit must engage. The bill also requires that under this element, a local governmental unit must analyze its relationship with a drainage district, and must consider the maps and plans of any military base with which it shares common territory.

66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, drainage districts, and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts, drainage districts, and adjacent local governmental units, and to the region, the state and other governmental units. The element shall consider the maps and plans of any military base with which it shares

common territory. The element shall incorporate any plans or agreements to which the local governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

Sheryl

Sheryl K. Albers
State Representative
50th Assembly District

15 North State Capitol
Madison, WI 53708
Ph 608/266-8531
Fax 608/283-3650

Please note new email address: skalbers@rucls.net

2005 BILL

1 **AN ACT** *to amend* 66.1001 (2) (g); and *to create* 709.03 (form) C. 28. and 709.03
2 (form) C. 29 of the statutes; **relating to:** requiring local governmental units to
3 consider relationships with a drainage district and the plans and maps of a
4 military base in the preparation of comprehensive plans and requiring sellers
5 of real property to disclose proximity of property to military bases and location
6 within drainage districts.

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the "Smart Growth" statute, if a local governmental unit (city, village, town, county, or regional planning commission) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; land use; and intergovernmental cooperation.

Beginning on January 1, 2010, under current law certain actions of a local governmental unit that affect land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands. Also beginning on January 1, 2010, under current law if a local governmental unit engages in any of

BILL

these specified actions, the comprehensive plan must contain at least all of the required planning elements.

Current law prohibits any comprehensive plan or amendment to a comprehensive plan from taking effect unless a number of conditions are met, such as the local governmental unit enacting an ordinance or adopting a resolution which contains all of the required elements, and the local governmental unit holding at least one public hearing at which the proposed ordinance or resolution is discussed.

Currently, the intergovernmental cooperation element must contain a compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, for siting and building public facilities and sharing public services. Under this bill, the intergovernmental cooperation element adds drainage districts as a jurisdiction with which a local governmental unit must engage. The bill also requires that under this element, a local governmental unit must analyze its relationship with a drainage district, and must consider the maps and plans of any military base with which it shares common territory.

Under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of the real property of which the owner is aware. The bill requires an owner to disclose whether the real property is located within a one-mile radius of the boundaries of a military base or within a drainage district.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 66.1001 (2) (g) of the statutes is amended to read:
- 2 66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of
- 3 objectives, policies, goals, maps, and programs for joint planning and decision
- 4 making with other jurisdictions, including school districts, drainage districts, and
- 5 adjacent local governmental units, for siting and building public facilities and
- 6 sharing public services. The element shall analyze the relationship of the local
- 7 governmental unit to school districts, drainage districts, and adjacent local
- 8 governmental units, and to the region, the state and other governmental units. The
- 9 element shall consider the maps and plans of any military base with which it shares

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1 common territory. The element shall incorporate any plans or agreements to which
2 the local governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The
3 element shall identify existing or potential conflicts between the local governmental
4 unit and other governmental units that are specified in this paragraph and describe
5 processes to resolve such conflicts.

6 **SECTION 2.** 709.03 (form) C. 28. of the statutes is created to read:

7 **709.03** (form) C. 28.

8		YES	NO	N/A
9	C. 28. I am aware that the property is located within
10	a one-mile radius of the boundaries of a mili-			
11	tary base.			

12 **SECTION 3.** 709.03 (form) C. 29. of the statutes is created to read:

13 **709.03** (form) C. 29.

14		YES	NO	N/A
15	C. 29. I am aware that the property is located within
16	a drainage district.			

17 **SECTION 4. Nonstatutory provisions.**

18 (1) REAL ESTATE CONDITION REPORT. The creation of section 709.03 (form) C. 28.
19 and C. 29 of the statutes does not require a property owner who has furnished to a
20 prospective buyer of the property an original or amended real estate condition report
21 before the effective date of this subsection to submit an amended real estate
22 condition report under section 709.035 of the statutes with respect to the information
23 required by the amendment of section 709.03 (form) C. 28. or C. 29 of the statutes.

24 **SECTION 5. Initial applicability.**

7 (END)

Shovers, Marc

From: Patronskey, Mark
Sent: Saturday, December 03, 2005 12:20 PM
To: Shovers, Marc
Cc: Rep.Albers; Waldrop, Joyce; 'tlarson@wra.org'
Subject: FW: Drainage Issues

Hi Marc---

Rep. Albers asked me to contact you about a proposal she is working on (and I think you are drafting---otherwise please forward this too the correct drafter) regarding drainage districts (DDs) and notice by sellers of property that the property is located in a drainage district.

I think the proposal so far is to add a paragraph in the ch. 709 disclosure. The Realtors have raised a concern that this would require sellers to check this box even though a very small percentage of the properties are in a DD.

Here is the alternative that Rep. Albers and I have discussed---create a similar notice in ch. 88, requiring the owner of property within a drainage district, when selling the property, to give notice to the buyer that the property is located in a DD and is subject to assessments for maintenance of the drains. It would be good to have the substantive provisions of ch. 709 in the new ch. 88 notice. However, it seems like overkill to have a page or 2 of statutes added to ch. 88 for this notice. Is there a way to cross-reference ch. 709, and make it applicable to the new ch. 88 notice? Or, can the ch. 709 procedures be pared down and simplified for addition to ch. 88?

I also suggest requiring the county drainage board to include a reminder of the requirement for notice upon sale whenever the drainage board sends the property owner an assessment for costs under s. 88.41.

I hope this is clear. Let me know if I can do anything to help.

Mark Patronskey

From: Sheryl Albers [mailto:skalbers@mwt.net]
Sent: Friday, December 02, 2005 1:12 PM
To: tlarson@wra.org; Patronskey, Mark
Cc: 'Linda Gumz'
Subject: Drainage Issues

Tom Larson /WRA:

According to Keith Foye, DATCP, there are 230 drainage districts. Of those, 200 are active, and approximately 30 are stagnant but in existence/or inactive. There are an estimated 30 drain district commissions, made up of 3 commissioners, whose job is to direct/order conduct, to ensure abidance with the statutes. According to Mark Patronskey of the Leg Council, absent a specific statutory authority, a drain boards could not compel a person who owns land situated within a drain's defined boundaries, to disclose anything to a purchaser. Mark is now redrafting my bill, to provide authority within Chapter 88, which would give drain board's the authority to impose a disclosure requirement upon parties selling land that is within a drain's boundaries.

I would hope based on this information, that Realtors would not oppose this draft.

Sheryl Albers

12/05/2005

Shovers, Marc

From: Basford, Sarah
Sent: Thursday, January 19, 2006 10:07 AM
To: Kahler, Pam; Shovers, Marc
Subject: FW: drain district proposal #2

Sarah Basford

Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

From: Waldrop, Joyce
Sent: Thursday, January 19, 2006 9:56 AM
To: LRB.Legal
Subject: FW: drain district proposal #2

From: Sheryl Albers [<mailto:skalbers@mwt.net>]
Sent: Friday, January 13, 2006 12:23 AM
To: Waldrop, Joyce
Subject: drain district proposal #2

Send this on to LRB - Drain district proposal listed as number two on my memo – "affected property owners would be required to inform the purchaser of the specific property/or acreage that is located within a drain district." This language would be placed in Chapter 88 [NOT IN Chapter 709] as a duty of the landowner who owns property within the boundaries of an active drain. Failure to inform would allow the buyer/purchaser to rescind a contract, similar to the language now contained in Chapter 709 – "if information is not received in 10 days after an offer is accepted" the contract may be rescinded without penalty or loss of earnest money. A cross reference to fraud statutes may be wise – intentional withholding of information would constitute fraud.

Sheryl K. Albers

Please note new email address: skalbers@rucls.net

01/24/2006



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-44057
MES&PJK.....

Today
please

Thurs

WJ
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

↑ requiring local governments to provide notice to drainage districts regarding proposals that affect drainage districts, ↑

- 1 AN ACT ^{Gen} relating to: requiring local governmental units to consider
2 relationships with ^a drainage district ⁱⁿ in the preparation of comprehensive
3 plans and requiring sellers of real property to disclose ^{the} ~~proximity of property to~~ ^{proximity of property to}
4 ~~military bases and location~~ within drainage districts.

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the "Smart Growth" statute, if a local governmental unit (city, village, town, county, or regional planning commission) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; land use; and intergovernmental cooperation.

Beginning on January 1, 2010, under current law, certain actions of a local governmental unit that affect land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies are official mapping, local subdivision regulation, and zoning ordinances, including zoning of shorelands or wetlands in shorelands. Also beginning on January 1, 2010, under current law, if a local governmental unit engages in any of these specified actions, the comprehensive plan must contain at least all of the required planning elements.

Current law prohibits any comprehensive plan or amendment to a comprehensive plan from taking effect unless a number of conditions are met, such

- ★ as the local governmental unit ^{must enact} ~~enacting~~ an ordinance or ^{adopt} ~~adopting~~ a resolution ^{that} ~~which~~ ⁺ ~~that~~ contains all of the required elements, and the local governmental unit ^{must hold} ~~holding~~ at least one public hearing at which the proposed ordinance or resolution is discussed.

Currently, the intergovernmental cooperation element must contain a compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, for siting and building public facilities and sharing public services. Under this bill, the intergovernmental cooperation element adds drainage districts as a jurisdiction with which a local governmental unit must engage. The bill also requires that under this element, a local governmental unit must analyze its relationship with a drainage district, and must consider the maps and plans of any military base with which it shares common territory.

This bill also requires that before a political subdivision (any city, village, town, or county) or any zoning entity of a political subdivision may take any action that would allow development in a drainage district, or affect the amount of water that a drainage district would have to accommodate, the political subdivision or zoning entity would have to send written notice to the drainage district. The written notice must describe the proposed action, and the time and date of any public hearing at which the proposed action will be discussed. The bill also allows the drainage district board to request a delay in the hearing so that the drainage board may obtain an engineering report ^{that} ~~which~~ analyzes the effect of the proposed action. ✓

Under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of the real property of which the owner is aware. The bill requires an owner to disclose whether the real property is located within a drainage district. ^{6 ft}

^{move up} The required notification must be in both the real estate condition report and in a separate written notification that advises a potential buyer or transferee that the land is in a drainage district and subject to assessments for maintenance of the drains. If a transferor does not provide a prospective buyer with the separate notice within 10 days after an offer to purchase is accepted, the prospective buyer may rescind the contract without penalty or loss of earnest money. When issuing an assessment, the bill requires a drainage board to remind the person receiving the assessment of the notification requirements that ~~are~~ ^{is} created in this bill. ^{or within two days after receiving the separate notice}

For further information see the ^{SL} ~~latest~~ fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1

SECTION 1. 59.69 (5) ^g ~~(f)~~ of the statutes is created to read:

2

59.69 (5) ^g ~~(f)~~ 1. Before the board or the county zoning agency may take any

3

action under this subsection which would allow the development of any structure

please
fix
comp.

(1) that either would be located within the boundaries of a drainage district^g or would
2 likely increase the amount of water that the main drain of a drainage district would
3 have to accommodate^{STET}, the board or zoning agency shall send written notice to the
4 secretary of the drainage district's board.

5 2. The notice described under subd. 1.[✓] shall describe the proposed action and
6 the time and date of any public hearing at which the proposal is on the agenda. After
7 receipt of the notice, the drainage board may request that the hearing be delayed to
8 enable the drainage board to obtain an engineering analysis to analyze the effect of
9 the proposed action on the drainage district. The drainage district may submit the
10 engineering analysis to the county board or to the county zoning agency.

11 SECTION 2. 60.61 (4) ^f(~~g~~) of the statutes is created to read:

12 60.61 (4) ^f(~~g~~) 1. Before the town board or the town zoning committee may take
13 any action under this subsection^{STET} which would allow the development of any structure
14 that either would be located within the boundaries of a drainage district^g or would
15 likely increase the amount of water that the main drain of a drainage district would
16 have to accommodate[✓], the board or zoning committee shall send written notice to the
17 secretary of the drainage district's board.

18 2. The notice described under subd. 1.[✓] shall describe the proposed action and
19 the time and date of any public hearing at which the proposal is on the agenda. After
20 receipt of the notice, the drainage board may request that the hearing be delayed to
21 enable the drainage board to obtain an engineering analysis to analyze the effect of
22 the proposed action on the drainage district. The drainage district may submit the
23 engineering analysis to the town board or to the town zoning committee.

24 SECTION 3. 62.23 (7) (d) ⁵~~4~~ of the statutes is created to read:

62.23 (7) (d) ⁵ Before the city council, plan commission, or plan committee may take any action under this paragraph which would allow the development of any structure that either would be located within the boundaries of a drainage district or would likely increase the amount of water that the main drain of a drainage district would have to accommodate, the city council, plan commission, or plan committee shall send written notice to the secretary of the drainage district's board.

SECTION 4. 62.23 (7) (d) ⁶ of the statutes is created to read:

62.23 (7) (d) 5. The notice described under subd. ⁵ shall describe the proposed action and the time and date of any public hearing at which the proposal is on the agenda. After receipt of the notice, the drainage board may request that the hearing be delayed to enable the drainage board to obtain an engineering analysis to analyze the effect of the proposed action on the drainage district. The drainage district may submit the engineering analysis to the city council, plan commission, or plan committee.

SECTION 5. 66.1001 (2) (g) of the statutes ^{as affected by 2005 Wisconsin Act 26} is amended to read:

66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, drainage districts, and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts, drainage districts, and adjacent local governmental units, and to the region, the state and other governmental units. The element shall incorporate any plans or agreements to which the local governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other

The element shall consider, to the greatest extent possible, the maps and plans of any military base or installation with at least 200 assigned military personnel

with which the local governmental unit shares common territory

plain

governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

SECTION 6. 88.41 (5) of the statutes is created to read:

88.41 (5) Whenever a drainage board sends out an assessment for costs, as described in this section, the board shall include a notice reminding the person assessed of the requirements under ss. 88.95 and 709.03 (form) C. 28.

SECTION 7. 88.95 of the statutes is created to read:

88.95 Notification requirements to transfer land. (1) All persons who transfer land that is located within a district shall provide written notice to the prospective buyer or transferee that the land is located within a drainage district and is subject to assessments under this chapter for maintenance of the drains.

(2) If a transferor does not provide a prospective buyer with the notice required in sub. (1) within 10 days of the prospective buyer's receipt of an accepted offer to purchase the land, the prospective buyer may cancel the transaction without penalty or loss of earnest money.

SECTION 8. 709.03 (form) C. 28. of the statutes is created to read:

709.03 (form) C. 28.

	YES	NO	N/A
C. 28. I am aware that the property is located within a drainage district.

SECTION 9. Nonstatutory provisions.

(1) **REAL ESTATE CONDITION REPORT.** The creation of section 709.03 (form) C. 28. of the statutes does not require a property owner who has furnished to a prospective buyer of the property an original or amended real estate condition report before the effective date of this subsection to submit an amended real estate condition report

Insert 5-11

1 under section 709.035 of the statutes with respect to the information required by the
2 amendment of section 709.03 (form) C. 28. of the statutes.

3 **SECTION 10. Initial applicability.**

4 (1) The treatment of section 66.1001 (2) (g) of the statutes first applies to a city,
5 village, town, county, or regional planning commission that begins the process of
6 creating or amending a comprehensive plan on the effective date of this subsection.

7 (2) The treatment of section 709.03 (form) C. 28. and C. 29. of the statutes first
8 applies to original real estate condition reports that are furnished on the effective
9 date of this subsection.

10 ~~(1)~~ The treatment of sections 59.69 (5) ^g ~~(p)~~, 60.61 (4) ^f ~~(h)~~, and 62.23 (7) (d) ⁵ ~~4~~. and
11 ⁶ ~~d~~. of the statutes first applies to ^a city, village, town, or county that begins the process
12 of creating or amending a zoning ordinance on the effective date of this subsection.

13 ~~(1)~~ The treatment of section 88.41 (5) of the statutes first applies to an
14 assessment that is sent out on the effective date of this subsection.

15 ~~(1)~~ The treatment of section 88.95 of the statutes first applies to an accepted
16 offer that is received by a prospective buyer on the effective date of this subsection.

17 (END)

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4405/lins
MES&PJK.....

INSERT 5-11

- 1 (41) (2) Sections 709.02 (1) and 709.04 to 709.08, as they apply to the reporting
2 requirement under ch. 709 with respect to transfers under s. 709.01, apply to the
3 notice requirement under sub. (1) with respect to transfers under sub. (1).

(END OF INSERT 5-11)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4405/1
MES&PJK:wlj:rs

2005 BILL

1 **AN ACT** *to amend* 66.1001 (2) (g); and *to create* 59.69 (5) (g), 60.61 (4) (f), 62.23
2 (7) (d) 5., 62.23 (7) (d) 6., 88.41 (5) and 88.95 of the statutes; **relating to:**
3 requiring local governmental units to consider relationships with drainage
4 districts in the preparation of comprehensive plans, requiring local
5 governments to provide notice to drainage districts regarding proposals that
6 affect drainage districts, and requiring sellers of real property to disclose the
7 location of property within drainage districts.

Analysis by the Legislative Reference Bureau

Under the current law commonly known as the "Smart Growth" statute, if a local governmental unit (city, village, town, county, or regional planning commission) creates a comprehensive plan (a development plan or a master plan) or amends an existing comprehensive plan, the plan must contain certain planning elements. The required planning elements include the following: housing; transportation; utilities and community facilities; agricultural, natural, and cultural resources; economic development; land use; and intergovernmental cooperation.

Beginning on January 1, 2010, under current law, certain actions of a local governmental unit that affect land use must be consistent with that local governmental unit's comprehensive plan. The actions to which this requirement applies are official mapping, local subdivision regulation, and zoning ordinances,

BILL

including zoning of shorelands or wetlands in shorelands. Also beginning on January 1, 2010, under current law, if a local governmental unit engages in any of these specified actions, the comprehensive plan must contain at least all of the required planning elements.

Current law prohibits any comprehensive plan or amendment to a comprehensive plan from taking effect unless a number of conditions are met, such as, the local governmental unit must enact an ordinance or adopt a resolution that contains all of the required elements, and the local governmental unit must hold at least one public hearing at which the proposed ordinance or resolution is discussed.

Currently, the intergovernmental cooperation element must contain a compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts, for siting and building public facilities and sharing public services. Under this bill, the intergovernmental cooperation element adds drainage districts as a jurisdiction with which a local governmental unit must engage. The bill also requires that under this element, a local governmental unit must analyze its relationship with a drainage district, and must consider the maps and plans of any military base with which it shares common territory.

This bill also requires that before a political subdivision (any city, village, town, or county) or any zoning entity of a political subdivision may take any action that would allow development in a drainage district, or affect the amount of water that a drainage district would have to accommodate, the political subdivision or zoning entity would have to send written notice to the drainage district. The written notice must describe the proposed action, and the time and date of any public hearing at which the proposed action will be discussed. The bill also allows the drainage district board to request a delay in the hearing so that the drainage board may obtain an engineering report that analyzes the effect of the proposed action.

Under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of the real property of which the owner is aware. The bill requires an owner to disclose whether the real property is located within a drainage district in a separate written notification that advises a potential buyer or transferee that the land is in a drainage district and subject to assessments for maintenance of the drains. If a transferor does not provide a prospective buyer with the separate notice within ten days after an offer to purchase is accepted, or within two days after receiving the separate notice, the prospective buyer may rescind the contract without penalty or loss of earnest money. When issuing an assessment, the bill requires a drainage board to remind the person receiving the assessment of the notification requirement that is created in this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

1 **SECTION 1.** 59.69 (5) (g) of the statutes is created to read:

2 59.69 (5) (g) 1. Before the board or the county zoning agency may take any
3 action under this subsection which would allow the development of any structure
4 that either would be located within the boundaries of a drainage district or would
5 likely increase the amount of water that the main drain of a drainage district would
6 have to accommodate, the board or zoning agency shall send written notice to the
7 secretary of the drainage district's board.

8 2. The notice described under subd. 1. shall describe the proposed action and
9 the time and date of any public hearing at which the proposal is on the agenda. After
10 receipt of the notice, the drainage board may request that the hearing be delayed to
11 enable the drainage board to obtain an engineering analysis to analyze the effect of
12 the proposed action on the drainage district. The drainage district may submit the
13 engineering analysis to the county board or to the county zoning agency.

14 **SECTION 2.** 60.61 (4) (f) of the statutes is created to read:

15 60.61 (4) (f) 1. Before the town board or the town zoning committee may take
16 any action under this subsection which would allow the development of any structure
17 that either would be located within the boundaries of a drainage district or would
18 likely increase the amount of water that the main drain of a drainage district would
19 have to accommodate, the board or zoning committee shall send written notice to the
20 secretary of the drainage district's board.

21 2. The notice described under subd. 1. shall describe the proposed action and
22 the time and date of any public hearing at which the proposal is on the agenda. After
23 receipt of the notice, the drainage board may request that the hearing be delayed to
24 enable the drainage board to obtain an engineering analysis to analyze the effect of

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1 the proposed action on the drainage district. The drainage district may submit the
2 engineering analysis to the town board or to the town zoning committee.

3 **SECTION 3.** 62.23 (7) (d) 5. of the statutes is created to read:

4 62.23 (7) (d) 5. Before the city council, plan commission, or plan committee may
5 take any action under this paragraph which would allow the development of any
6 structure that either would be located within the boundaries of a drainage district
7 or would likely increase the amount of water that the main drain of a drainage
8 district would have to accommodate, the city council, plan commission, or plan
9 committee shall send written notice to the secretary of the drainage district's board.

10 **SECTION 4.** 62.23 (7) (d) 6. of the statutes is created to read:

11 62.23 (7) (d) 6. The notice described under subd. 5. shall describe the proposed
12 action and the time and date of any public hearing at which the proposal is on the
13 agenda. After receipt of the notice, the drainage board may request that the hearing
14 be delayed to enable the drainage board to obtain an engineering analysis to analyze
15 the effect of the proposed action on the drainage district. The drainage district may
16 submit the engineering analysis to the city council, plan commission, or plan
17 committee.

18 **SECTION 5.** 66.1001 (2) (g) of the statutes, as affected by 2005 Wisconsin Act 26,
19 is amended to read:

20 66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of
21 objectives, policies, goals, maps, and programs for joint planning and decision
22 making with other jurisdictions, including school districts, drainage districts, and
23 adjacent local governmental units, for siting and building public facilities and
24 sharing public services. The element shall analyze the relationship of the local
25 governmental unit to school districts, drainage districts, and adjacent local

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1 governmental units, and to the region, the state and other governmental units. The
2 element shall consider, to the greatest extent possible, the maps and plans of any
3 military base or installation, with at least 200 assigned military personnel or that
4 contains at least 2,000 acres, with which the local governmental unit shares common
5 territory. The element shall incorporate any plans or agreements to which the local
6 governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall
7 identify existing or potential conflicts between the local governmental unit and other
8 governmental units that are specified in this paragraph and describe processes to
9 resolve such conflicts.

10 **SECTION 6.** 88.41 (5) of the statutes is created to read:

11 88.41 (5) Whenever a drainage board sends out an assessment for costs, as
12 described in this section, the board shall include a notice reminding the person
13 assessed of the requirement under s. 88.95.

14 **SECTION 7.** 88.95 of the statutes is created to read:

15 **88.95 Notification requirement to transfer land.** (1) All persons who
16 transfer land that is located within a district shall provide written notice to the
17 prospective buyer or transferee that the land is located within a drainage district and
18 is subject to assessments under this chapter for maintenance of the drains.

19 (2) Sections 709.02 (1) and 709.04 to 709.08, as they apply to the reporting
20 requirement under ch. 709 with respect to transfers under s. 709.01, apply to the
21 notice requirement under sub. (1) with respect to transfers under sub. (1).

22 **SECTION 8. Initial applicability.**

23 (1) The treatment of section 66.1001 (2) (g) of the statutes first applies to a city,
24 village, town, county, or regional planning commission that begins the process of
25 creating or amending a comprehensive plan on the effective date of this subsection.

(END)